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5/21/80

ATTACHMENT

A1126A

GUIDELINES FOR ALL U.S. PERSONNEL STATIONED
IN OR VISITING ARGENTINA

- The status of human rights observance in Argentina remains a matter of deep concern to the U.S. Government. While the number of disappearances and of political prisoners declined during the past year, serious problems remain.
- Normal bilateral relations, which remain our long-term goal, will not be achieved while these problems remain.
- Key areas of concern include:
 - (1) Continued summary treatment of suspected terrorists, including their abduction, torture, and execution.
- Universally accepted standards of civilized behavior require that every individual be accorded a fair and open hearing before an impartial judicial tribunal, and a full opportunity for an adequate defense against any charges, no matter how grievous they are, before any punishment is imposed. These universal standards also provide that no person may be tortured for any reason.
- Even in wartime, international law establishes clear rules for the treatment of prisoners of war, and every civilized country has agreed to observe these rules in practice.
- The United States is deeply aware of the human suffering and tragedy caused by terrorist activity. We condemn terrorism and terrorist acts. At the same time, we maintain that one atrocity cannot ever justify another.
- Western European countries and the U.S. have successfully pursued methods to deal with terrorist activity which do not violate the values and principles upon which our societies are based, and from which states derive their legitimacy.
- We have taken note of the Argentine Government's assurances that steps have been taken to curb the practice of disappearances. We welcome this step. We believe very strongly that it should be totally eliminated for all categories of persons, however.

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

☒ Release ☐ Excise ☐ Deny

Exemption(s):

Declassify: ☐ In Part ☒ In Full

☐ Classify as ☐ Extend as ☐ Downgrade to

Date ☐ Declassify on ☐ Reason

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(2) The approximately 1,300 persons still being held under executive detention, some of whom have been in custody for three or four years. All of these persons should be given a prompt and fair judicial hearing if there are charges against them. If there are no charges, they should be released or given the opportunity to leave the country under the right-of-option.

(3) The lack of positive response to appeals for information about the thousands of people who have disappeared in recent years. The families of the disappeared have a right to this information, as well as to access to any individuals being held secretly.

--We believe it is in Argentina's own national interest to devise and carry out such a plan.

--This could be accomplished through the new UN Human Rights Commission working group or perhaps through another intermediary.

(4) The independence of the judiciary. An independent judiciary whose rulings are respected by other branches of governments is essential for the return of the rule of law.

--An important first step in this direction would be positive Executive Branch response to habeas corpus petitions filed by relatives on behalf of disappeared persons.

--Another significant step would be civil court review of all military trials of civilians during the past four years.

(5) Continuing actions on freedom of expression, association, and assembly.

--Argentina progress on these matters will remove major impediments to the re-establishment of a more normal bilateral relationship. We are prepared to respond in various appropriate ways to Argentine actions in the human rights areas.

--(If asked): The nature, scope and timing of potential U.S. positive responses to Argentine human rights

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improvements will depend on the nature and pace of these improvements. This is in keeping with global U.S. human rights policy, which provides for appropriate adjustments in U.S. policy in response to human rights developments.

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